

Delaware Solid Waste Authority  
Cherry Island Landfill  
AQM 003/00111 Renewal 1

EPA has the following comments:

**Title V Permit Renewal Memorandum**

1. *Tables 2, 3 and 5, page 6* - Revise the Tables and related notes to clarify that the passive flares are needed only for odor control, and accordingly, are State Enforceable Only Requirements.
2. For the public record, the Memorandum should note that on September 8, 2006 EPA proposed in the Federal Register (71 FR 53272) significant amendments to the landfill NSPS and emission guidelines. The amendments, when promulgated, will clarify what constitutes treated landfill gas (LFG) and who is responsible for compliance activities where multiple parties are involved in the ownership or associated LFG collection, control, and/or treatment systems. Upon EPA's receipt and approval of related amendments to the Delaware landfill 111(d) plan, or promulgation of the amended Federal 111(d) plan, whichever occurs first, a revision of the CIL Title V permit will be required.

**Draft Title V Permit**

3. *Condition 3, Table 1, paragraph b. Emission Unit 2, Twelve Passive Elevated Combustion Flares for Odor Control* - Section 1. i. A. Operational Limitations, states, "Each portable passive flare shall be used for temporary installation and operation **only as odor control device.**" [Emphasis added.] Accordingly, the draft permit paragraphs/sections/conditions, relating to emission unit 2, need to be identified as State Enforceable Only. Although Condition 3, paragraph g. 3. i., identifies Facility Wide State Only Odor Requirements, there is no reference to the portable passive flare odor requirements of Unit 2.

Please correct the above or explain.